

48A C.J.S. Judges § 93

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

IV. Standards of Conduct; Restrictions and Prohibitions

B. Nature of Conduct Proscribed or Prohibited

1. In General

§ 93. Personal views

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  11(2), 21

A judge has the right to entertain his or her personal views on controversial issues, and is not required to surrender his or her rights or opinions as a citizen.

A judge has the right to entertain his or her personal views on controversial issues and is not required to surrender his or her rights or opinions as a citizen.¹ A judge's rights of free speech and free association are limited from time to time by his or her official duties,² and a judge must be careful to avoid becoming involved in public controversies.³ However, a judge conducting a jury trial must avoid expressing his or her personal opinion on a factual issue to be resolved by the jury.⁴

CUMULATIVE SUPPLEMENT

Cases:

Circuit court judge manifested prejudice "against" others, on basis of sexual orientation, in performance of judicial duties, in violation of judicial conduct rule, through implementation of process for screening wedding applicants aimed at ensuring he married only opposite-sex couples; even though judge's actions did not result in any actual refusal to marry same-sex couples; screening process demonstrated to judge's staff that, in exercising his statutory authority and judicial duty to solemnize marriages, he would not treat all couples fairly. Code of Jud. Conduct, JR 3.3(B). [Day](#), 362 Or. 547, 413 P.3d 907 (2018).

Refusal by municipal judge and part-time circuit court magistrate to perform same-sex marriages did not violate judiciary rule stating that judge shall comply with law, including Code of Judicial Conduct; judge did not violate clear procedural rule governing performance of her legal duties, as she had no authority to perform marriages as municipal court judge and she had power to perform marriages as part-time circuit court magistrate but was not required to do so. [Wyo. Code of Jud. Conduct, Rule 1.1](#). [In re Neely](#), 2017 WY 25, 390 P.3d 728 (Wyo. 2017).

[END OF SUPPLEMENT]

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 N.Y.—[In re Troy](#), 277 A.D. 116, 98 N.Y.S.2d 669 (2d Dep't 1950).
- 2 Mass.—[Matter of Bonin](#), 375 Mass. 680, 378 N.E.2d 669 (1978).
- 3 Iowa—[In re Judges of Municipal Court of City of Cedar Rapids](#), 256 Iowa 1135, 130 N.W.2d 553 (1964).
- 4 Ohio—[Disciplinary Counsel v. Plough](#), 126 Ohio St. 3d 167, 2010-Ohio-3298, 931 N.E.2d 575 (2010), reinstatement granted, 128 Ohio St. 3d 1203, 2011-Ohio-1082, 943 N.E.2d 568 (2011).